

BEFORE THE BOARD OF DIRECTORS  
OF THE  
KERN COUNTY WATER AGENCY

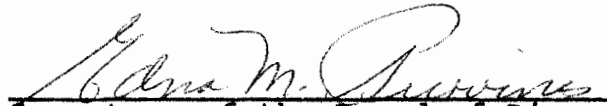
In the Matter of: \*

FORMATION OF AN IMPROVEMENT \*  
DISTRICT TO UNDERTAKE THE  
FINANCING, CONSTRUCTION, \*  
OPERATION AND MAINTENANCE OF  
WORKS TO PROVIDE A SUPPLEMENTAL \*  
WATER SUPPLY FOR THE URBAN  
BAKERSFIELD AREA (IMPROVEMENT \*  
DISTRICT NO. 4)

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I, EDNA M. PURVINES, Secretary of the Board of Directors of the Kern County Water Agency, of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Director Kamprath, seconded by Director Thomson, was duly passed and adopted by said Board of Directors at an official meeting hereof this 21 day of December 1971, by the following vote, to wit:

AYES: Kamprath, Garnett, Thomson, Cooley,  
Smith, Fox, Cole  
NOES: None  
ABSENT: None

  
Secretary of the Board of Directors  
of the Kern County Water Agency

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RESOLUTION NO. 17-71

WHEREAS, on December 10, 1970, this board passed and adopted Resolution No. 25-70 declaring its intention to form an improvement district and to undertake the financing, construction, operation and maintenance of works to provide a supplemental water supply for the urban Bakersfield area; and

WHEREAS, Resolution No. 25-70 contained a description of the boundaries of the proposed improvement district, a brief general description of the project to be undertaken within such improvement district, a finding by this board that the project will be of special benefit to such improvement district, a statement of this board's intention to undertake the project, an estimate of the cost of the project, and a description of the proposed method of financing the project setting forth a proposed maximum tax which may be levied in any year for purposes other than the payment of the principal of and interest on bonds of \$.20 per \$100 of assessed valuation and a proposed maximum groundwater charge to be levied for any class of water of \$20 per acre-foot; and

WHEREAS, Resolution No. 25-70 set the time and place for the hearing by this board on the formation of the proposed improvement district at 7:00 p.m. on February 17, 1971, in the Board of Directors' Meeting Room in the Kern County Water Agency offices at 1415 - 18th Street, Bakersfield, California; and

WHEREAS, the secretary of this board caused a notice of said hearing, including a copy of Resolution No. 25-70, to be published in The Bakersfield Californian, a newspaper of general circulation within the proposed improvement district on January 20, January 27 and February 3, 1971; and

WHEREAS, the secretary of this board also mailed a copy of the notice of said hearing containing a copy of Resolution No. 25-70 to all the property owners of record within the boundaries of the proposed improvement district as described in Resolution No. 25-70 on or before January 29, 1971; and

WHEREAS, a copy of a map of the proposed improvement district designated in Resolution No. 25-70 has been on file at the office of the Kern County Water Agency, 1415 - 18th

Street, Bakersfield, California, and available for inspection by any interested persons during normal business hours continuously from January 20, 1971, to date; and

WHEREAS, this board commenced the hearing on the formation of the proposed improvement district at 7:00 p.m. on February 17, 1971, in the Board of Directors' Meeting Room in the Kern County Water Agency office at 1415 - 18th Street, Bakersfield, California, and subsequently adjourned the hearing to the Police Auditorium, 1620 Truxton Avenue, Bakersfield, California, and thereafter adjourned and continued the hearing to April 1, 1971, May 27, 1971, July 22, 1971, September 16, 1971, October 5, 1971, November 4, 1971, December 1, 1971, and December 21, 1971; and

WHEREAS, at the February 17, 1971 session of the hearing Walter G. Schulz, consultant, of Leeds, Hill and Jewett, Inc., submitted a report entitled "Plan for Delivery of Imported Water to and a Financial Plan for an Urban Bakersfield Area Improvement District," at the July 22, 1971 session of the hearing he submitted a report entitled "Supplemental Report to the Plan for Delivery of Imported Water to and a Financial Plan for an Urban Bakersfield Area Improvement District," and at the November 4, 1971 session of the hearing he submitted a report entitled "Second Supplemental Report - Plan for Delivery of Water to and a Financial Plan for an Urban Bakersfield area Improvement District by Walter G. Schulz, consultant, October, 1971," all of which reports were received and considered by this board; and

WHEREAS, at said hearing this board permitted any person to appear and present any matters material to the subject thereof and heard all written and oral objections to any matter set forth in Resolution No. 25-70; and

WHEREAS, during the hearing the Pond-Poso Improvement District of the Semitropic Water Storage District informed this board that it does not wish to participate in the proposed project and the Kern Delta Water District informed this board that it desires to participate in the proposed cross-valley

aqueduct to the extent of a maximum annual delivery of 15,000 acre-feet of water at a maximum rate of delivery of 45 cubic feet per second; and

WHEREAS, as a result of the evidence presented at the hearing and the decisions of the Pond-Poso Improvement District of the Semitropic Water Storage District and the Kern Delta Water District the proposed project has been modified in the following manner:

(a) The size of the proposed cross-valley aqueduct has been scaled down to the capacity required to meet the needs of the improvement district, the Rosedale-Rio Bravo Water Storage District, the Cawelo Water District and the reduced needs of the Kern Delta Water District;

(b) A cross valley aqueduct extension will be built to extend the conveyance facilities eastward from the cross-valley aqueduct.

(c) The proposed treatment facilities will be placed in a location to permit the treatment of water from either the cross-valley aqueduct extension or the Kern River; and

(d) Facilities will be built to convey water from the treatment facilities for service within the improvement district; and;

WHEREAS, prior to the conclusion of the hearing all districts, except the Lamont Public Utility District, the Greenfield County Water District, and the Plainview Public Utility District, not lying wholly within any other district within the agency, having lands within the proposed improvement district as described in Resolution No. 25-70, filed with the secretary of this board resolutions adopted by majority votes of their governing bodies consenting to the inclusion of the lands within their districts in the proposed improvement district:

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kern County Water Agency as follows:

1. All of the foregoing recitals are true and correct, and this board so finds and determines.

2. Notice of the time and place of the hearing on Resolution No. 25-70 has been given in the manner and form prescribed by law.

3. Prior to the conclusion of the hearing written protests against the formation of the proposed improvement district and the proposed project signed by a majority in number of the holders of title to taxable property within such improvement district and who are also the holders of title to not less than 51 percent of the area thereof were not filed with this board.

4. All of the proceedings pertaining to the establishment of the proposed improvement district and to the undertaking of the proposed project for such improvement district have been valid and in conformity with the requirements of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961 of the State of California, as amended).

5. This board hereby finds and determines that all of the land described in Exhibit A attached hereto and incorporated herein by reference will be benefitted by the formation of the proposed improvement district and the undertaking of the proposed project, that no land within said boundaries will not be benefitted by the proposed project and that the proposed project is feasible, economically sound and for the best interests of the Agency and the land described in Exhibit A. The land described in Exhibit A is all of the land within the boundaries of the proposed improvement district as described in Resolution No. 25-70 except Parcels II, III and IV thereof, which were noncontiguous to Parcel I, and the noncontiguous portion of Parcel V.

6. This board hereby declares that an improvement district to be known as "Improvement District No. 4 of the Kern County Water Agency," the boundaries of which are described in Exhibit A attached hereto and incorporated herein by reference as though set forth at length at this place is hereby formed.

7. The proposed project to be undertaken by the improvement district shall be substantially as described in the report entitled "Plan for Delivery of Imported Water to and a Financial Plan for an Urban Bakersfield Area Improvement District" as modified by the supplements thereto entitled "Supplemental Report to the Plan for Delivery of Imported Water to and a Financial Plan for an Urban Bakersfield Area Improvement District" and "Second Supplemental Report Plan for Delivery of Water to and a Financial Plan for an Urban Bakersfield Area Improvement District, by Walter G. Schulz, consultant, October, 1971," which reports are hereby incorporated herein by reference, and shall consist of:

(a) The purchase of an ultimate annual supply of 77,000 acre-feet of State Project water, and, subject to the execution of contracts with the Agency, the Agency will deliver in accordance with appropriate build-up schedules an annual entitlement of not less than 8,500 acre-feet of water made available by reason of the project to the North of the River Municipal Water District and an annual entitlement of not less than 5,000 acre-feet of such water to the East Niles Community Services District.

(b) The construction of a joint use cross-valley aqueduct, cross-valley aqueduct extension and pumping facilities to deliver State Project water to said improvement district, the Rosedale-Rio Bravo Water Storage District, the Cawelo Water District and the Kern Delta Water District. These facilities will be designed to provide an annual water supply of 77,000 acre-feet to the area within said improvement district, 35,000 acre-feet to Rosedale-Rio Bravo Water Storage District, 45,000 acre-feet to Cawelo Water District, and 15,000 acre-feet to Kern Delta Water District; if each of these districts participates in the project. To the extent that any one

or more of these districts fails to agree to participate in the project, the size of the facilities may be scaled down to the capacity required to meet the needs of the improvement district and the remaining participants.

(c) The construction of facilities to provide for the treatment of the water from either the cross-valley aqueduct extension or the Kern River and for the delivery of water from the treatment facilities to the lands and inhabitants of the improvement district.

(d) The acquisition of land and construction of facilities for spreading and percolating water.

(e) The acquisition or construction of all lands, easements, rights-of-way, equipment or facilities necessary or convenient for any project purposes.

To the extent that any project facility proves to be unnecessary to accomplish the purposes of the project, its construction will be deferred or eliminated. If the Board determines that it will be more economical or desirable to construct substitute facilities in order to accomplish the purposes of the project, such substitute facilities will be constructed.

8. The estimated capital costs of the cross-valley aqueduct, cross-valley aqueduct extension and pumping facilities described above to deliver water to the improvement district and the other districts are as follows, based upon the assumption that each of the districts described below will participate by contract with the Agency in financing the construction of such joint-use facilities:

<u>Service Area</u>	<u>Maximum Annual Delivery (Acre-feet)</u>	<u>Maximum Rate of Delivery (Cubic feet per second)</u>	<u>Prorated Share of Capital Costs</u>
Improvement District	77,000	141	\$ 5,039,000
Rosedale-Rio Bravo Water Storage District	35,000	90	1,381,000
Cawelo Water District	45,000	135	4,016,000
Kern Delta Water District	<u>15,000</u>	<u>45</u>	<u>1,004,000</u>
Total	172,000	411	\$11,440,000

These costs are based upon an average of the ratios of (1) the capacity to be provided in each reach of the joint-use cross-valley aqueduct for each service area and (2) each service area's maximum annual entitlement of State Project water to be delivered through such reach.

The estimated capital cost of the facilities to treat water and deliver it from the treatment plant to the lands and inhabitants in the improvement district is \$9,285,000.

The estimated capital cost of land and facilities for spreading and percolating water is \$700,000.

The estimated maximum annual cost of administration, maintenance and operation for the project is \$2,600,000.

9. It is anticipated that the portion of the costs of constructing the various project facilities to be borne by the improvement district will be financed by the proceeds of general obligation bonds issued in the improvement district by the Agency. The portions of such construction costs and annual administration, maintenance and operation costs to be borne by the various participating districts will be paid to the Agency pursuant to contracts entered into between the Agency and such districts.

The Board intends to finance the annual administration, maintenance and operation costs of the project to be borne by the improvement district, the payments to be made to the State of California by the Agency for water to be made available to the improvement district and the payments of principal and interest on the general obligation bonds issued in the improvement district by groundwater charges to be levied pursuant to Sections 14.20 through 14.37 of the Kern County Water Agency Act, by revenues from the sale of water, and by taxes levied in the improvement district.

10. The maximum amount of tax which may be levied in any year in the improvement district for purposes other than



the payment of the principal of and interest on bonds shall be \$.20 per \$100 of assessed valuation.

11. The maximum groundwater charge which may be levied in the improvement district for any class of water shall be \$20 per acre-foot.

12. No further steps and no action will be taken by the Agency on behalf of the improvement district after January 1, 1974, unless the voters prior to that date approve the bond issue provided for in paragraph 9 hereof or unless the Agency, prior to that date, has a commitment for funds from other sources to construct the project; provided, that to the extent the Agency is legally restrained from obtaining either the approval of said bond issue or said commitment, said date shall be extended for a period equal to the length of any such restraint.

13. The Board intends to appoint an advisory committee to advise it from time to time on the construction and operation of the project, which committee shall include persons nominated by the water purveyors and districts, as defined in the Agency Act, within the improvement district.

14. To provide for the estimated future water requirements in the improvement district, the Agency has allocated 77,000 acre-feet annually of State Project water to the improvement district to supplement the currently known or assumed existing water supply therein. If another supply of water is later acquired for use within the improvement district or it is subsequently determined that all or any portion of the area included therein has the legal right to use water of the Kern River watershed now or heretofore devoted to some other areas of use within the Agency, and the need for the supplemental water supply for the improvement district is thereby reduced, the Agency shall diligently use its best efforts to dispose of any of the annual allocation of State Project water not required by the improvement district. In disposing of any

such water, the Agency shall make every reasonable effort to obtain the maximum price and any such proceeds shall be used by the Agency to reduce the rates, tolls, charges and taxes levied by the Agency within the improvement district. If the Agency is unable to so dispose of such water, the improvement district, to the extent that such water is used by the Agency to benefit areas outside the improvement district, shall be relieved of the charges that the Agency thereafter is obligated to pay to the State for such water.

In the event that any or all of said 77,000 acre-feet is so sold or transferred, the Agency, to the extent it is legally possible and prior to providing relief to the entire improvement district, shall reimburse each district, as defined in Section 2(f) of the Agency Act, with the proceeds of such sale or transfer, in proportion to its contribution toward making possible such sale or transfer.

15. The clerk of this board is hereby authorized and directed to file a copy of this resolution, together with a map or plat, in accordance with the provisions of Section 54900 of the Government Code.

16. If any paragraph, sentence, clause or phrase of this resolution is held invalid for any reason by a court, such decision shall not affect the validity of the remaining portions of this resolution. This board hereby declares that it would have passed each part of this resolution irrespective of the validity of any other part.

EXHIBIT "A"

DESCRIPTION OF PROPOSED  
URBAN BAKERSFIELD  
IMPROVEMENT DISTRICT

PARCEL I

Beginning at the Northeast corner of Section 31, T29S, R27E, MDB&M; thence Northerly along the East line of Section 30, T29S, R27E, MDB&M, to the South right-of-way line of the Atchison Topeka and Santa Fe Railroad; thence Westerly and Northwesterly along said South right-of-way line of the Atchison Topeka and Santa Fe Railroad to the point of intersection of said South right-of-way line with the North line of Section 23, Township 29 South, Range 26 East, MDB&M; thence Easterly along the North line of Sections 23 and 24, Township 29 South, Range 26 East, MDB&M, to the Southwest corner of Section 18, Township 29 South, Range 27 East, MDB&M; thence Northerly to the Northwest corner of said Section 18; thence Easterly along the North line of last named Section 18 to the Southwest corner of Section 8, Township 29 South, Range 27 East, MDB&M; thence Northerly along the West line of said Section 8 to the West quarter corner of said Section 8; thence Easterly along the North line of the Southwest quarter of said Section 8 to the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 8; thence Northerly along the West line of the East one-half of the Northwest quarter of said Section 8 to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 8; thence Easterly along the North line of Section 8 and Section 9, Township 29 South, Range 27 East, MDB&M, to the Southwest corner of Section 3, Township 29 South, Range 27 East, MDB&M; thence Northerly along the West line of last named Section 3 to the Northwest corner of last named Section 3; thence Easterly along the North line of Section 3 to a point 110 feet East of the South quarter corner of Section 34, Township 28 South, Range 27 East, MDB&M; thence North parallel to the East line of the Southwest quarter to the North line of the Southeast quarter of said Section 34; thence West to the West quarter corner of said Section 34; thence North to the Northwest corner of said Section 34; thence Easterly along the North line of Sections 34, 35 and 36 to the North quarter corner of said Section 36; thence South to the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 36; thence East to the Southeast corner of the Northwest quarter of the Northeast quarter of said Section 36; thence Southerly along the East line of the Southwest quarter of the Northeast quarter and the East line of the West one-half of the East one-half of last named Section 36 to the intersection of said East line with the North line of Section 6, Township 29 South, Range 23 East, MDB&M; thence Easterly along the North line of said

Section 6 to the Northeast corner of said Section 6; thence Southerly along the East line of Section 6, Section 7 and Section 18, Township 29 South, Range 28 East, MDB&M, to the intersection of the East line of last named Section 18 with the center line of Kern River; thence Northeasterly on and along the center line of Kern River to the point of intersection of said center line with the North line of Section 10, Township 29 South, Range 28 East, MDB&M; thence Easterly along the North line of Section 10, Section 11, and Section 12, Township 29 South, Range 28 East, MDB&M, to the Northeast corner of the last named Section 12; thence Southerly along the East line of Section 12, Section 13, and Section 24, Township 29 South, Range 28 East, MDB&M, to the Northwest corner of Section 30, Township 29 South, Range 29 East, MDB&M; thence Easterly along the North line of said Section 30 to the Northeast corner of said Section 30; thence Southerly along the East line of said Section 30 to the East quarter corner of said Section 30; thence Westerly along the South line of the North one-half of said Section 30, and of Section 25 and Section 26, Township 29 South, Range 28 East, MDB&M, to the East quarter corner of Section 27, Township 29 South, Range 28 East, MDB&M; thence Southerly to the Northeast corner of the Southeast quarter of the Southeast quarter of Section 27, Township 29 South, Range 28 East, MDB&M; thence Westerly to the Northeast corner of the North half of the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 27; thence Southerly to the Southeast corner of the North half of the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 27; thence Westerly to the North-South centerline of Section 27; thence Southerly along the centerline of Section 27, Township 29 South, Range 28 East to the intersection of the North right-of-way line of the East Side Canal; thence Easterly, Southeasterly and Southerly on and along said right-of-way, said line being coincident with the West boundary line of the Arvin-Edison Water Storage District, as said line traverses Sections 35 and 36, Township 29 South, Range 28 East, MDB&M, and Section 1, Township 30 South, Range 28 East, MDB&M, to the intersection of the East right-of-way line of the East Side Canal with the South line of Section 1, Township 30 South, Range 28 East, MDB&M; thence leaving the West boundary line of the Arvin-Edison Water Storage District, Westerly along the South line of Section 1 and Section 2, Township 30 South, Range 28 East, MDB&M, to the Northeast corner of Section 10, Township 30 South, Range 28 East, MDB&M; thence Southerly along the East line of Section 10, Section 15, Section 22, Section 27, and Section 34, Township 30 South, Range 28 East, MDB&M, to the Southeast corner of last named Section 34; thence Westerly along the South line of last named Section 34 to the Southwest corner of last named Section 34; thence Northerly along the West line of last named Section 34 to the West quarter corner of last named Section 34; thence Easterly along the North line of the South one-half of last named Section 34 to the Southwest corner of the South-

east quarter of the Northwest quarter of last named Section 34; thence Northerly along the West line of the East one-half of the Northwest quarter of last named Section 34 to the Southeast corner of the Southwest quarter of the Southwest quarter of Section 27, Township 30 South, Range 28 East, MDB&M; thence Westerly along the South line of said Section 27 to the Southwest corner of said Section 27; thence Northerly along the West line of said Section 27 to the Southeast corner of Section 21, Township 30 South, Range 28 East, MDB&M; thence Westerly along the South line of said Section 21 to the Southeast corner of the Southwest quarter of said Section 21; thence Northerly along the East line of the Southwest quarter of last named Section to the Northeast corner of the South half of the Southwest quarter of last named Section; thence Westerly along the North line of the South half of the Southwest quarter of last named Section 21 and the North line of the South half of the South half of Section 20, Township 30 South, Range 28 East, MDB&M to the Northwest corner of the South half of the South half of last named Section 20; thence Northerly along the West line of last named Section to intersect the Easterly extension of the North line of the South seven (7) acres of the East half of Lot 2 in Section 19, Township 30 South, Range 28 East, MDB&M as shown on Kern County Sales Map No. 1 of the Lands of J. B. Haggin filed for record May 3, 1889 in the Office of the County Recorder of said County; thence Westerly along last named Easterly extension to a point in the East line of said Lot 2 and a point in the Corporate Boundary of the City of Bakersfield; thence continuing Westerly along last named North line of the South seven (7) acres and Corporate Boundary to a point in the West line of the East 360 feet of said Section 19; thence along the last named Corporate Boundary Southerly along the West line of the East 360 feet of Section 19 to a point in the South line of said Lot 2; thence Westerly along the South line of Lot 2 and the South line of Lot 3 as shown on last named Sales Map to the Southwest corner of the East half of said Lot 3; thence Northerly along the West line of the East half of said Lot 3 to the Northwest corner of the East half of last named Lot being a point in the Southerly right-of-way line of Pacheco Road; thence Westerly along the North line of said Lot 3 to the Northwest corner thereof; thence Northerly along the Northerly extension of the West line of last named Lot 3 to intersect the North line of said Section 19; thence Westerly along the North line of Section 19, being the Corporate Boundary of the City of Bakersfield and the extension of said boundary, to the Northwest corner of last named Section 19; thence Southerly along Section lines to the Southeast corner of Section 24, Township 30 South, Range 27 East, MDB&M; thence Westerly along the South line of last named Section 24 and the South line of Section 23, Township 30 South, Range 27 East, MDB&M to the Southwest corner of last named Section 23; thence Northerly along the West line of last named Section 23 to the Southeast corner of Section 15, Township 30 South,

Range 27 East, MDB&M; thence Westerly along the South line of Section 15, Section 16, Section 17, and Section 18, Township 30 South, Range 27 East, MDB&M to the Southwest corner of the last named Section 18; thence Northerly along the West line of Section 18, Township 30 South, Range 27 East, MDB&M, to the Northwest corner of said Section 18; thence Westerly along the South line of Section 12 of Township 30 South, Range 26 East, MDB&M to the South 1/4 corner of said Section 12; thence Northerly along the center line of said Section 12 to the North 1/4 corner of said Section 12; thence Westerly along the South line of Section 1, Township 30 South, Range 26 East, MDB&M to the Southwest corner of said Section 1; thence Northerly along the West lines of Section 1, Township 30 South, Range 26 East, MDB&M, and Section 36, Township 29 South, Range 26 East, MDB&M, to the Northwest corner of said Section 36; thence East along the North lines of said Section 36 and Section 31, Township 29 South, Range 27 East, MDB&M, to the Northeast corner of said Section 31, the point of beginning.

PARCEL II

The following tracts located in Section 19 of Township 30 South, Range 28 East, MDB&M, and as recorded in the Office of the County Recorder of the County of Kern, State of California:

<u>Tract</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Map Book</u>	<u>Page</u>
2663	19	30 South	28 East	12	177
2668	19	30 South	28 East	13	29
2669	19	30 South	28 East	13	69
2670	19	30 South	28 East	13	75
2671	19	30 South	28 East	13	81
2866	19	30 South	28 East	14	52